

ENTERED

September 05, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA

vs.

MARCO PESQUERA, et al.

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CRIMINAL NO. 1:18-CR-673

FINAL ORDER OF FORFEITURE

Pending before the Court is the Unopposed Motion for Final Order of Forfeiture filed by the United States. Having considered the motion and the record as they relate to the real property listed below, the Court makes the following findings:

A. On January 3, 2019, the Court signed a Preliminary Order of Forfeiture (Doc. No. 90) forfeiting the following real property to the United States:

5817 Fordham Street, Houston, Texas 77005, together with all improvements, buildings, structures and appurtenances, and legally described as:

Lot 5, Block 4, of Preston Place, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 572, Page 318, of the Deed Records of Harris County, Texas.

("Fordham Street Property").

B. The United States, pursuant to Rule 32.2(b)(6), Fed. R. Crim. P., published notice of the Preliminary Order of Forfeiture on an official government website for at least 30 consecutive days beginning on January 16, 2019. (Doc. No. 123).

C. A copy of the Preliminary Order of Forfeiture was also posted on the Fordham Street Property on January 17, 2019. (See Doc. No. 96).

D. The Defendant's wife, Gimena Pesquera-Perez, was provided with direct notice of the preliminary order of forfeiture by personal service on January 17, 2019. (See Doc. No. 156).

E. On February 18, 2019, Frost Bank filed a timely petition asserting an interest in the Fordham Street Property based on a lien on the property. (Doc. No. 106).

F. On March 18, 2019, Harris County, Texas, Houston I.S.D., Harris County Flood Control District, Port of Houston Authority, Harris County Hospital District, Harris County Education Department, Houston Community College, and West University Place (“Taxing Authorities”), filed a timely petition asserting an interest in the Fordham Street Property based on past due ad valorem taxes, penalties, and interest. (Doc. No. 117).

G. On July 25, 2019, Amerihome Mortgage Company, LLC, filed a timely petition asserting an interest in the Fordham Street Property based on a lien on the property. (Doc. No. 174).

H. The time to file third-party petitions has expired.

Having considered the motion, the record, and the applicable law, the Court has decided to GRANT the motion for final order of forfeiture.

It is, therefore, ORDERED that:

1. the Unopposed Motion for Final Order of Forfeiture is GRANTED;
2. the following property is forfeited to the United States, with all right, title, and interest in the property vesting in the United States:

5817 Fordham Street, Houston, Texas 77005, together with all improvements, buildings, structures and appurtenances, and legally described as:

Lot 5, Block 4, of Preston Place, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 572, Page 318, of the Deed Records of Harris County, Texas.

3. all persons or entities, except for Frost Bank, the Taxing Authorities, and Amerihome Mortgage Company, LLC, claiming any right, title, or interest in the above property are in default;

4. the United States has clear title to the above property, subject to the payment of the claim of Frost Bank, outstanding ad valorem taxes, penalties, and interest owed to the Taxing Authorities, and the claim of Amerihome Mortgage Company, LLC;

5. the United States may dispose of the Fordham Street Property according to law, and may warrant good title to any subsequent purchaser or transferee of the real property;

6. before or upon sale or other disposition of the Fordham Street Property, the United States shall pay the claim of Frost Bank;

7. before or upon sale or other disposition of the Fordham Street Property, the United States shall pay the *ad valorem* taxes assessed on the property through the date of this Final Judgment, together with interest and penalties as allowed by law;


8. before or upon sale or other disposition of the Fordham Street Property, the United States shall pay the claim of Amerihome Mortgage Company, LLC;

9. the Court shall retain jurisdiction in the event that there is a dispute that cannot be resolved by the parties as to the amount of the claims or taxes, penalties, or interest to be paid; and

10. the Clerk of the Court shall forward three certified copies of this Order to the United States Attorney's Office, Attention: Assistant United States Attorney E. Vincent Carroll, 1000 Louisiana, Suite 2300, Houston, Texas, 77002.

THIS IS A FINAL ORDER.

Signed on this the 5th day of September, 2019.


FERNANDO RODRIGUEZ, JR.
United States District Judge